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Office Memorandum • UNITED STATES GOVERNMENT

OGC HAS REVIEWED.

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TO : [REDACTED]

FROM : Office of the General Counsel

DATE: 28 March 1949

SUBJECT: Availability of Intelligence Information from Other Agencies

1. It is our understanding that some difficulty is being encountered at the present time in obtaining intelligence information from other Agencies of the Government. It does not seem necessary to enumerate the specific facts since the immediate source of friction is important only in so far as it raises a question which may well assume various forms in our future relations with any other Government Agency.

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Since the acquisition of such intelligence information is a keystone to CIA operations, any conflict encountered should be speedily resolved through interagency agreement or Presidential decision.

2. So far, the only justification for denying us information has been based on conflict with the so-called "Third Agency Agreement" of 1941. This agreement was an understanding between about eight government agencies to restrict the use of any information obtained from another signatory and to withhold such information from any other third agency. The agreement is purely executive in nature and cannot be considered to supersede or vitiate a clear expression of Congressional intent contained in a statute. Our difficulty arises from the fact that Congress was not explicit in the Act and left the clarification of their intent to the National Security Council subject to the President's approval. The difficulties inherent in our situation will probably be removed with the issuance of SANACC 252/9 which we understand has been composed but not yet released with the approval of the National Security Council.


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3. It is the opinion of this office that the solution to the problem rests in executive rather than legal determination. By law, we are entitled to certain intelligence information under the authority of the Act despite the terms of the "Third Agency Agreement" to the contrary. The question is not whether we are entitled to any intelligence information -- it seems clear that we are -- but rather it is a matter of how much and what kind. Since the decision rests with the National Security Council, itself, it is suggested that resolution of our difficulties can only be achieved by the representations of our member. *See p. 607*

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